

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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KIRK ALEXANDER CURLS,

Plaintiff,

Case No. 2:16-cv-00979-JAD-PAL

ORDER

(Mot Stay – ECF No. 26)

CLARK COUNTY SCHOOL DISTRICT,

Defendant.

12 Before the court is Clark County School District's Motion to Stay Discovery Pending
13 Resolution of Motion to Dismiss Complaint Pursuant to Fed. R. Civ. P. 12(b)(6) (ECF No. 23)
14 (ECF No. 26). No opposition has been filed and the time for filing an opposition has expired.

15 Plaintiff is appearing pro se, that is representing himself, and has asserted claims against
16 CCSD for national origin discrimination and retaliation in violation of state and federal law. The
17 motion to dismiss argues plaintiff's case should be dismissed in its entirety because his claims are
18 time barred because: 1) he did not file his complaint within 90 days of receiving a right to sue letter
19 from the EEOC; 2) he exhausted administrative remedies for his state claims by filing a charge
20 with the NERC; 3) assuming he had exhausted by filing with the NERC he did not file a complaint
21 within 180 days of exhausting his state claims; and 4) the court should decline to exercise
22 jurisdiction even if he has exhausted his state claims because dismissal of his federal claims is
23 warranted. The court has taken a "preliminary peek" at the pending motion to dismiss which raises
24 a statute of limitations bar to this court's jurisdiction over plaintiff's federal claims. The motion
25 is potentially dispositive of plaintiff's claims. Plaintiff's response to the motion does not claim
26 that discovery is needed to decide the motion. He claims his attorney withdrew unexpectedly
27 before filing a complaint she was paid to file, and possibly committed malpractice, but that he

1 timely filed within 90 days of receiving a right to sue letter, and to his knowledge has complied
2 with any federal deadlines.

3 Having reviewed and considered the matter, the court finds it would best accomplish the
4 goal of Rule 1 of the Federal Rules of Civil Procedure to stay discovery in this case until the district
5 judge decides the outcome of the pending motion to dismiss which is potentially dispositive of all
6 of plaintiff's claims.

7 **IT IS ORDERED** that Clark County School District's Motion to Stay Discovery Pending
8 Resolution of Motion to Dismiss Complaint Pursuant to Fed. R. Civ. P. 12(b)(6) (ECF No. 23)
9 (ECF No. 26) is **GRANTED**.

10 DATED this 14th day of November, 2017.

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13 PEGGY A. LEEN
14 UNITED STATES MAGISTRATE JUDGE
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